

**AFFIDAVIT OF NON-PRODUCTION**

**THE STATE OF WEST VIRGINIA  
COUNTY OF MARSHALL  
DISTRICT OF MEADE**

BEFORE ME, the undersigned, a Notary Public in and for said County, State of West Virginia, on this day personally appeared Merle L. Chaplin and wife, Jean Chaplin, who reside at RR2 Box 230 A, Moundsville, WV 26041, and to me well known to be credible persons and whom, after being by me duly sworn, on his/her oath did state:

Affiants state that they are thoroughly familiar with the following described property located in Marshall County, West Virginia through personal knowledge for more than the past 74 years:

**TRACT NO.1:**

Beginning at a stone in the Bonar and Hanen line; thence S. 39° 50' E. 155 25/100 poles to a beech, corner to William Hubbs and Herman Williams; thence S. 23° W. 37 3/5 poles to limestone corner, which is located S. 33° 15' W. 32 feet from a small white oak; thence S. 8° 39' E. 49 3/25 poles to stone and beech sprout; thence N. 88° 32 1/2' W. 17/25 poles located one foot and five inches south of a small ash; thence N. 66° 17 1/2' W. 29 4/25 poles to a honey locust; thence N. 7° 42 1/2' E. 82 9/25 poles to a stake at the south east corner of School House property; thence N. 37° 21' E. 68 12/25 poles to the place of beginning, containing 113 acres and 46 poles as per survey of March 1, 1888.

**TRACT NO. 2**

Adjoining the above tract and bounded as described as follows: Beginning at a stone, corner to the lands of Elizabeth Hanen, located S. 65° W. 12 1/2 feet from locust stump; thence with said Hanen line S. 72° E. 264 feet to a stake above road, corner to Hanen; thence S. 46° 45' E. 775 feet to Chestnut near junction of two ravines; thence S. 54° 45' E. 69 feet to chestnut on west bank of ravine; thence S. 37° 45' E. 800 feet to stake at run; thence S. 25° 30' E. 617 feet to stake, at place of hickory stump with beech pointers and corner to lands of W.H. Hubbs; thence with his line S. 31° 30' W. 485 feet to where beech stood, corner to said Hubbs and Standiford; thence N. 39° W. 2572 feet to stone in Hanen line, and corner to lands of Nannie A.B. Easton; thence with Hanen line N. 39° E. 342 1/2 feet to the place of beginning, containing 31.56 acres as per survey of S. Howe Bonar made in March, 1908.

There is also excepted and reserved from the above-described tracts a surface parcel containing 1.423 acres, the same being conveyed in *Deed Book 453, Page 443*; a parcel containing 1.040 acres, the same being conveyed in *Deed Book 389, Page 225*; and a parcel containing 4.586 acres, consisting of a 2.045-acre portion of the 113.29 acres, and a 2.541-acre portion of the 31.56 acres, the aforementioned 4.586 acres being conveyed in *Deed Book 608, Page 46*.

Being the same property conveyed to Merle L. Chaplin and Jean Chaplin, his wife, from Dana A. Chaplin and Opal Chaplin, his wife, by deed dated and July 8, 1976, in the aforesaid Clerk's Office in *Deed Book 459, Page 445*.

Affiants state that no operations for or production of oil, gas or other minerals have occurred on any portion of the land described herein in the past five years, nor has there been any production from any lands pooled or unitized with the subject land. No royalty payments or shut-in royalty payments have been received by us in the past five years for the aforesaid lands. Nor have any delay rentals or other payments been received by us in the past five years for any extension of time to drill under the terms of any prior oil, gas and mineral lease(s) covering said land.

Merle L. Chaplin  
Merle L. Chaplin

Jean Chaplin  
Jean Chaplin

STATE OF WEST VIRGINIA  
COUNTY OF MARSHALL

Jan Pest  
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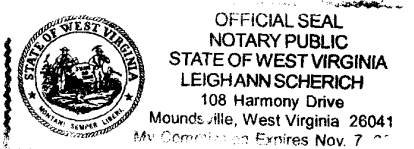
Before me, the undersigned authority, on this day personally appeared Merle L. Chaplin, and Jean Chaplin, husband and wife, and known to me to be the persons whose names are subscribed to the forgoing instrument, and acknowledged to me that they executed the same for the purpose and consideration therein expressed.

Given under my hand and seal of office this 3 day of September, 2010

Leigh Ann Scherich  
Notary Public, State of West Virginia

Leigh Ann Scherich  
Notary's printed name

My commission expires: 11-7-10



STATE OF WEST VIRGINIA, MARSHALL COUNTY, SCT.:

I, JAN PEST, Clerk of the County Commission of said County, do hereby certify that the annexed writing, bearing date on the 3rd day of September, 2010, was presented for and by me, admitted to record in my office upon the above certificate as to the parties therein named this 15th day of September, 2010 at 1:39 o'clock P.M.

TESTE: Jan Pest Clerk.